

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANCISCO G. ESCAMILLA,

Plaintiff

v.

BELVIN, *et al.*,

Defendants

Case No. 2:20-cv-01621-RFB-VCF

ORDER

I. DISCUSSION

On September 1, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court notes Plaintiff did submit his financial certificate and inmate account statement (ECF No. 1-2), however, Plaintiff must submit all three of the above-referenced documents, including pages 1 through 3 of this Court's application to proceed *in forma pauperis*.

1 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete
 2 application to proceed *in forma pauperis* containing all three of the required documents,
 3 or in the alternative, pay the full \$400 filing fee for this action on or before **November 3,**
 4 **2020**. Absent unusual circumstances, the Court will not grant any further extensions of
 5 time.

6 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 7 with all three required documents or pay the full \$400 filing fee on or before **November**
 8 **3, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case
 9 with the Court when Plaintiff is either able to acquire all three of the documents needed
 10 to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing
 11 fee.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 13 case with the Court, under a new case number, when Plaintiff has all three documents
 14 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 15 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 16 full filing fee of \$400 on or before **November 3, 2020** to proceed with this case.

17 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 18 will not file the complaint unless and until Plaintiff timely files a fully complete application
 19 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 22 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, a copy
 23 of his financial certificate and inmate account statement (ECF No. 1-2), as well as the
 24 document entitled information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that on or before **November 3, 2020**, Plaintiff will
 26 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
 27 the \$50 administrative fee) or file with the Court:

28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
2 signatures on page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$400
9 filing fee for a civil action on or before **November 3, 2020**, the Court will dismiss this
10 action without prejudice for Plaintiff to refile the case with the Court, under a new case
11 number, when Plaintiff has all three documents needed to file a complete application to
12 proceed *in forma pauperis* or pays the full \$400 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No.1-1) but will not file it at this time.

15 DATED: 9-4-2020 _____

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18 UNITED STATES MAGISTRATE JUDGE
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